

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRISTIN BAIN,

Plaintiff,

v.

METROPOLITAN MORTGAGE GROUP,
INC., INDYMAC BANK, FSB; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS;
REGIONAL TRUSTEE SERVICE; FIDELITY
NATIONAL TITLE; and Doe Defendants 1
through 20, inclusive,

Defendants.

No. 2:09-cv-0149-JCC

DEFENDANT INDYMAC BANK, FSB'S
FRCP 26(A) INITIAL DISCLOSURES

IndyMac Bank, FSB, by and through its undersigned counsel, hereby makes the following initial disclosures pursuant to Federal Rule of Civil Procedure 26(a):

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

The following individuals may have discoverable information that the defendant may use to support its defenses and potential claims in this action:

1. **Kristen Bain**
c/o Counsel for Plaintiff, Melissa A. Huelsman
2. **All witnesses listed by the other parties to this lawsuit; and**
3. **Additional witnesses, the identities of whom are learned through further discovery, investigation, and trial preparation.**

DEFENDANT INDYMAC BANK, FSB'S FRCP 26(A) INITIAL
DISCLOSURES - 1

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 All witnesses will discuss Plaintiff's loan, including any assignment and/or foreclosure
2 proceedings related to the loan, and similar issues.

3 **II. DESCRIPTION OF DOCUMENTS, DATA, AND TANGIBLE THINGS**

4 A copy of all non-privileged, relevant documents has either been provided previously or
5 will be provided to the parties.

6 **III. COMPUTATION OF CLAIMED DAMAGES**

7 It is the position of defendant IndyMac Bank, FSB that there are no damages to the
8 plaintiff in this case and defendant IndyMac Bank, FSB does not seek any damages at this time.

9 **IV. INSURANCE AGREEMENT**

10 Defendant is not aware of any applicable insurance agreement.

11 **V. CONCLUSION**

12 Defendant makes these initial disclosures based on the information reasonably available
13 to it at this state of the proceedings and without waiver of any rights to provide or use additional
14 information, documents, or disclosures that may become available during the litigation.

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DEFENDANT INDYMAC BANK, FSB'S FRCP 26(A) INITIAL
DISCLOSURES - 2

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1 Defendant will timely supplement this disclosure upon identification of other information
2 appropriate to this action.

3 DATED this 24th day of March, 2009.

4 FOSTER PEPPER PLLC

5 /s/ Douglas L. Davies

6 Douglas L. Davies, WSBA #16750
7 Laura Marquez-Garrett, WSBA #41010

8 Foster Pepper, PLLC

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15 **Attorneys for Defendants Indymac Bank,**
16 **FSB and Mortgage Electronic Registration**
17 **Systems**

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DEFENDANT INDYMAC BANK, FSB'S FRCP 26(A) INITIAL
DISCLOSURES - 3

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DECLARATION OF SERVICE

I, Susan Grimes-Zak, state that I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of twenty one years, I am not a party to this action, and I am competent to be a witness herein. I electronically filed the aforementioned with the Clerk of the Court using the CM/ECF System who will send notification of such filing to the following parties who have appeared in this action as of today's date:

Melissa A. Huelsman	mhuelsman@predatorylendinglaw.com
Jennifer Tait	jtait@robinsontait.com
Joel E. Wright	jw@leesmart.com
William L. Cameron	wlc@leesmart.com
Thomas F. Peterson	tpeterson@sociuslaw.com

There are no other parties who have appeared in this action as of today's date that need to be served manually.

I DECLARE under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 24th day of March, 2009.



Susan Grimes-Zak